Approved For Release 2001/08/23 : CIA-RDP57-00384R0004900900744

2 July 1947

MEMORARDON FOR LEGISLATIVE LIAISON OFFICER

Subject: Explanatory Notes on Statutes Cited for Proposed Legislation - Draft of 9 June 1947

The preposed bill is considered by sections and notes made on statutes cited therein.

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SECTION S(b)(2)1

1. 10 0.8.0. 576 provides that my army officer who accepts a civil office shall sease to be an officer of the Army, and his commission vacated. This statute is explicit, and specific exception should be made in the proposed legislation. Note that there is no such blanket prohibition on Navy officers, and consequently no statute is cited for them.

ment of Foreign Service Act of 1946 permits assignment of Foreign Service officers to other agencies, but makes special provision for assignment to the Department of State, which to our mind makes unclear the individual status when assigned to another agency; consequently, specific exception was again made to prevent confusion.

ECTION 2(b)(3)1

This section is intended to permit employment of any retired officer of the named services. For this purpose it is necessary to make exception to the provisions of:

- 1. 5 U.S.C. 58, which prohibits more than one salary from appropriated fund; when the combined execut exceeds (2000;
- 2. 5 U.S.C. 59 which qualifies 53 by certain exceptions;
- tired officers from receiving retired pay if the combined civilian and retired pay exceeds \$3000 per ennum except as to officers retired for combat disability or disabilities resulting from explosion of instrumentality of war

in line of duty;

4. S 0.3.0. 68, which prohibits appointment to a civilian office of a retired officer receiving retired pay of \$8500, unless such officer were retired for combat castalties or for inexpacity in the line of duty.

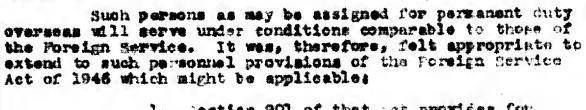
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SECTION 4(1):

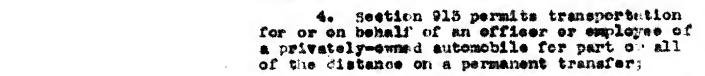
Section 3709 Revised Statutes, 41 U.S.C. 5, requires advertising for proposed procurement in amounts over \$100 except in the case of public exigencies or when only one source is available, or in certain cases of personal service contracts. Most procurement for CIA would comply with Section 3709, but it will be essential to have exceptions to protect the security and ready availability of certain operational equipment.

SECTION 4(5):

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- l. Sestien 901 of that jot provides for special allowances set by the secretary of State to provide for extraordinary circumstances created by local conditions such as shortage of facilities, unusually high cost of living, extraordinary and necessary expenses, and unhealthful or excessively adverse living comittions;
- 2. Section 311 permits the Secretary of State to set regulations for payment of travell expenses of officers and employees and their families, and incidental expenses for periods of home leave;
- S. Section 912 permits the loan of house-hold equipment to officers and employees to eliminate transportation costs;



under such regulations as the Secretary of State may provide:

- 6. Section 932 provides for sick leave;
- 7. Section 983 requires the Secretary to order to the continental U.S. on statutory leave of absence my officer and employed upon completion of two years? service abroad, or as soon as possible thereafter:
- 8. Section 355 provides for the transfer of leave of absence on appointment to the Foreign Service or another agency up the maximum permitted by the agency to which appointed.
- 9. Section 741 permits the Secretar; to pay for costs of line of duty illness or injury requiring hospitalisation in a suitable mospital or clinic.
- portation to a suitable hospital or clinic of employees injured or ill in the line of duty where no facilities are available at their post of duty, and for travel of an attendant if not-essay. It also provides for a first-aid station and a nurse at the pest if the Secretary does sufficient personnel is employed to warrant such a station;
- ll. Section 945 provides for physical examinations and costs of innoculations for employees who are citizens of the United States.

SECTION 4(5)1

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gettien 3601 Revised Statutes (31 U.S.C. 5457 prohibits exchange of funds by any disbursing officer or agent of the Opverment other than exchange for gold, silver, U.S. Notes and Estional Bank Notes, and provides further for restrictions on such permitted exchanges. It requires the head of the agency to suspend the agent who violates the provisions of this section, and report to the President for removal or reinstatement. It is essential to the operations of the Central Intelligence Agency to have an everytion from the specific terms of this statute. Approved For Release 2001/08/23 : CIA-RDP57-00384R000400090074-0

SECTION 4(7):

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The Act of August 24, 1912 /37 Stat. 353, 3 3-3-7-6527 prehibits removal of classified civil service employees except for such cause as will premote the efficiency of the Service, and for reasons given in writing, with netice to the person affected of the charges preferred. Such a prohibition is not consistent with the peculiar security requirements of an intelligence agency. The further phrane we are or the provisions of any other law a cert is included to climinate other restrictions such as special status given to veterams and general administrative limit at ions on the discharge of employees.

General Counsel

LRH/mll